

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STEVEN CARL BUTTOLPH, LN-7157)	
)	
v.)	2:18-1248
)	
MELINDA ADAMS, et al.,)	
Respondents.)	

MEMORANDUM and ORDER

Mitchell, M.J.:

Steven Carl Buttolph, an inmate at the State Correctional Institution-Mercer has presented a petition for a writ of habeas corpus which he has been granted leave to prosecute in forma pauperis. For the reasons set forth below, the petitioner will be directed to show cause, if any, why the petition should not be transferred to the United States District Court for the Middle District of Pennsylvania.

Buttolph is presently serving a ten to twenty year sentence imposed on May 1, 2014 following his conviction upon a plea of guilty to a charge of third degree murder at No. CP-50-CR-1117-2009 in the Court of Common Pleas of Perry County, Pennsylvania.

It is provided in 28 U.S.C. § 2241(d) that:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a state which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

While the petitioner is in custody in the Western District of Pennsylvania, the trial court which sentenced him is located in Perry County, which is located in the Middle District of Pennsylvania. It therefore, would appear that the interests of justice would best be served by transferring the petition to the United States District Court for the Middle District of Pennsylvania.

An appropriate Order will be entered.

ORDER

AND NOW, this 27th day of September, 2018 for the reasons set forth in the foregoing Memorandum, IT IS ORDERED that on or before October 17, 2018 the petitioner show cause, if any, why the instant petition should not be transferred to the United States District Court of the Middle District of Pennsylvania.

s/ Robert C. Mitchell
United States Magistrate Judge